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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,553	06/28/2001	Mark Lewis	P 279171 P11166	5111

7590 02/22/2006
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EXAMINER

PHILIPPE, GIMS S

ART UNIT PAPER NUMBER

2613

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/892,553	Applicant(s) LEWIS, MARK	
	Examiner Gims S. Philippe	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

- A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. Applicant's response received on December 6th 2005 been fully considered and entered, but the arguments are not deemed to be persuasive.

Note: amendment to claim 30 has been acknowledged.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-7, 9-11, 13-15, 17-18, 21-23, 25, 28-37 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiryaman (US Patent no. 6,157,401) in view of Sheridan (US Patent no. 5760917) for the same reasons as previously set forth in the last office action mailed on November 8th 2005.

Regarding the above claims, the applicant argued that he/she disagrees that the examiner suggests that it would have been obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Wirayaman's method by

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incorporating Sheridan's rule that specifies one or more recipients with whom images should be shared based on location identifying information.

While the applicant noted part of the examiner's rejection and the reasons why the teaching reference was applied, there is no specific argument from the applicant explaining the reason for the disagreement. It is, therefore, fair to say that the rejection of the above claims was proper.

The applicant further argued that the claim 9 includes the same elements as other independent claims addressed by the examiner. However, applicant recites a statement similar to what the examiner noted above.

In arguing, the applicant disagreed on the "*granting access right*" as disclosed in previously cited sections of Sheridan and notes the passages of col. 5, lines 10-18, col. 6, lines 13-32 and lines 56-63. To the examiner the "*granting access*" as disclosed in Sheridan is considered analogous to the applicant's "*rule sharing*" limitations. In fact, one of the main motivation in Sheridan is allow user to distribute image to a third party as noted in col. 2, lines 11-17. Further in col. 4, lines 48-67 and col. 5, lines 1-6, Sheridan clearly discloses the method of sharing along with the rule.

The applicant further argued that Sheridan relies on non location-identifying information to determine access right. The examiner respectfully disagrees since the e-mail

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address is associated with the specific user access right. In addition, Sheridan further discloses in col. 11, lines 3-36 additional embodiments where a sharing rule is applied.

The applicant further argued that the location-identifying information claimed is in direct contrast to the so-called "location" scheme highlighted by the examiner. While the examiner understands the applicant's argument, the claims, as written, were given their broadest interpretation and the sections cited by the examiner are believed to be analogous to the claim language.

4. Claims 3, 8, 11-12, 16, 19, 20, 24, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiryaman (US Patent no. 6,157,401) in view of Sheridan as applied to claims 1 and 11, and further in view of Maali et al. (US Patent no. 6567775) for the same reasons as previously set forth in the last office action mailed on November 8th 2005.

Regarding claims 3, 8, 12, 16, 19, 20, 24, 26, and 27, the applicant argued that without addressing the propriety of combining Maali with Wiryaman and/or Sheridan, he/she submits that the prior art of record does not teach all the elements of independent the independent claims. In response to the preceding statement, the examiner believes that the arguments with respect to independent claims 1, 9, 17, 25 and 31 have been addressed and, therefore, it can be concluded that all claims were properly rejected.


5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri S. Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gims S Philippe
Primary Examiner
Art Unit 2613

GSP

February 15, 2006